

Norman C. Kleinberg
Steven A. Hammond
Daniel H. Weiner
Jeffrey R. Coleman
Peter A. Sullivan
Amera Z. Chowhan
Jason C. Benton

HUGHES HUBBARD & REED LLP
One Battery Park Plaza
New York, New York 10004
(212) 837-6000

Attorneys for Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

REINO DE ESPAÑA on its own behalf, and
as trustee,

Plaintiff,

03 CV 3573 (LTS/RLE)

-against-

AMERICAN BUREAU OF SHIPPING, ABS
GROUP OF COMPANIES, INC., ABSG
CONSULTING INC. f/k/a ABS MARINE
SERVICES INC.,

Defendants.

DECLARATION OF JOSEPH RIVA
PURSUANT TO 28 U.S.C. § 1746

JOSEPH RIVA declares under penalty of perjury that the foregoing is true and correct:

1. I am the Assistant Chief Surveyor for American Bureau of Shipping (“ABS”), Americas Division. I have been employed by ABS for a total of 28 years. I have been the Assistant Chief Surveyor in ABS’s Americas Division since September 2004.

2. I am knowledgeable about the record keeping practices and the records of ABS based on my 28 years of employment with ABS and I make this Declaration on the basis of my personal knowledge of ABS's records practices generally.

3. As part of my responsibilities as an Assistant Chief Surveyor, I regularly prepare presentations, memoranda, and other training exercises for surveyors and others concerning ABS's Rules changes and developments.

4. ABS modified its Rules and procedures in response to both the *Erika* and *Castor* casualties. In February 2002, when I was Assistant Chief Surveyor in the Europe Division, I conducted a training exercise for ABS's Lead Surveyors regarding changes to ABS's Rules after the *Erika* and *Castor* casualties.

5. Attached hereto as Exhibit 1 to this Declaration is a true, correct and complete copy of my Windows Power Point presentation to Lead Surveyors regarding changes to ABS's Rules after the *Erika* and *Castor* casualties, dated February 2002.

6. Exhibit 1 is kept in the course of ABS's regularly conducted business.

7. Attached hereto as Exhibit 2 to this Declaration is a true, correct and complete copy of a document titled "CASTOR – Recommendations and Actions by ABS." In accordance with my duties to regularly prepare presentations and memoranda concerning ABS Rules changes and developments, I participated in the drafting of this document in December 2002 to summarize changes to the ABS Rules and procedures following ABS's investigation into the *Castor* casualty.

8. Exhibit 2 is kept in the course of ABS's regularly conducted business.

9. Attached hereto as Exhibit 3 to this Declaration is a true, correct and complete copy of ISO Certificate 9001:2000 (No. US97/10270.0, Issue 6).

10. Exhibit 3 was issued by SGS to ABS, certifying that ABS is compliant with the rules of the International Standards Organization (“ISO”). Exhibit 3 indicates that ABS has been ISO 9001-certified since November 1994.

11. SGS is a registrar for ISO standards and audits a company’s quality system as part of its regular course of business.

12. Exhibit 3 was issued by SGS to ABS on or about December 25, 2008, when the ISO 9001 certification was renewed.

13. Exhibit 3 is kept in the course of ABS’s regularly conducted business, as evidence of its ISO 9001 certification. A copy of ABS’s ISO Certificate 9001:2000 can be accessed on the internet at:

<http://www.eagle.org/eagleExternalPortalWEB/ShowProperty/BE>

[A%20Repository/About%20ABS/certiso9001.](http://www.eagle.org/eagleExternalPortalWEB/ShowProperty/BE/A%20Repository/About%20ABS/certiso9001)

14. Attached hereto as Exhibit 4 to this Declaration is a true, correct and complete copy of ISO Certificate 14001:2004 (No. US 00/2143, Issue 4).

15. Exhibit 4 was issued by SGS to ABS, certifying that ABS is compliant with the rules of the International Standards Organization (“ISO”). Exhibit 4 indicates that ABS has been ISO 14001-certified since June 2000.

16. Exhibit 4 was issued by SGS to ABS on or about December 25, 2008, when the ISO 14001 certification was renewed.

17. Exhibit 4 is kept in the course of ABS’s regularly conducted business, as evidence of its ISO 1400 certification. A copy of ABS’s ISO Certificate 14001:2004 can be accessed on the internet at:

<http://www.eagle.org/eagleExternalPortalWEB/ShowProperty/BEA%20Repository/About%20ABS/certiso14001>.

18. Attached hereto as Exhibit 5 to this Declaration are true, correct and complete copies of documents reflecting the ABS "Targeted Ship List" dated May 1, 2002 and June 1, 2002.

19. ABS monitors the detention by port state control authorities of vessels classed by ABS.

20. ABS prepares a "Targeted Ship List" on a monthly basis, identifying vessels not being satisfactorily maintained between surveys due to lack of maintenance, classed by ABS. One of the criteria for inclusion on the list is whether the vessel has been detained by port state control authorities on multiple instances over a two-year period.

21. Exhibit 5 is kept in the course of ABS's regularly conducted business.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on February 26, 2010.


JOSEPH RIVA

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing DECLARATION OF JOSEPH RIVA has been sent, on this first day of March 2010, to the following by hand and by electronic means:

Brian D. Starer, Esq.
Juan Anduiza, Esq.
Alan Heblack, Esq.
Squire, Sanders & Dempsey, L.L.P.
30 Rockefeller Plaza
New York, NY 10112

ATTORNEYS FOR PLAINTIFF REINO DE ESPAÑA

/s/ Amara Z. Chowhan

Exhibit 1

Filed under seal

Exhibit 2

Filed under seal

Exhibit 3



Certificate US971027-0

SGS

The management system of

American Bureau of Shipping

16855 Northchase Drive
Houston, TX 77060
United States

has been assessed and certified as meeting the requirements of



ISO 9001:2000

For the following activities

Development and verification of standards for the design, construction
and operational maintenance of marine-related facilities and
equipment.

Further clarifications regarding the scope of this certificate and the applicability of
ISO 9001:2000 requirements may be obtained by consulting the organization.

This certificate is valid from 25 December 2008 until 24 December 2011.
Issue 6. Certified since November 1994.

Multiple certificates have been issued for this scope.
The main certificate is numbered US971027-0.

Authorized by

Director Accreditation North America

SGS Systems & Services Certification
Division of SGS U.S. Testing Company Inc.
Marketers Office Complex, 201 Route 17 North, Rutherford NJ 07070
T (201) 508-3000 F (201) 935-4555 www.us.sgs.com



Page 1 of 1

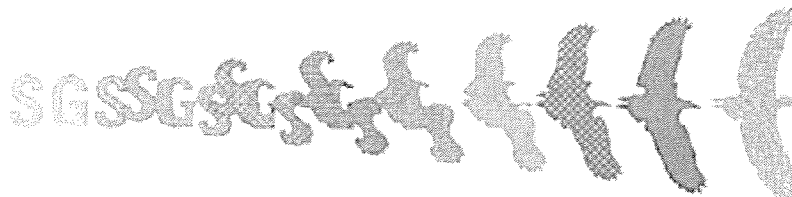


Exhibit 4

Certificate US002143

SGS

The management system of

American Bureau of Shipping

has been assessed and certified as meeting the requirements of

ISO 14001:2004

For the following activities:

**Development and verification of standards for the design, construction
and operational maintenance of marine-related facilities and
equipment.**

Further clarifications regarding the scope of this certificate and the applicability of
ISO 14001:2004 requirements may be obtained by consulting the organization.

This certificate is valid from 25 December 2008 until 24 December 2011,
Issue 4. Certified since June 2000.

Authorized by



Director Accreditation North America

SGS Systems & Services Certification
Division of SGS U.S. Testing Company Inc.
Meadow Office Complex 201 Route 12 North Rutherford NJ 07070
t (201) 508-3000 f (201) 935-4558 www.us.sgs.com



Page 1 of 1

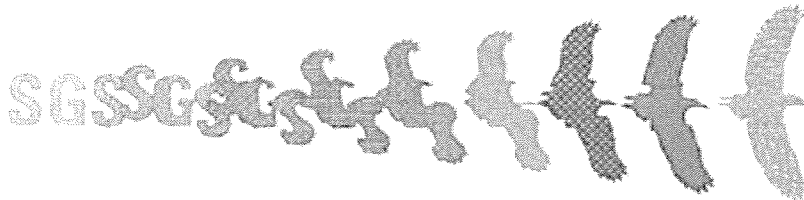


Exhibit 5

Filed under seal